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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 ARTHUR T. MILLER,

12 Plaintiff,

13 v.

14 CORRECTIONAL OFFICER MAHN,

15 Defendant.
16

CASE NO. C08-5196RBL

ORDER

17 This case has been referred to the undersigned Magistrate Judge pursuant to Title 28
18 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrates' Rules MJR 1, MJR 3, and MJR
19 4. The matter is before the court on plaintiff's motion to compel discovery (Doc. 39). After
20 reviewing the motion and the remaining record, the court finds and orders as follows:

21 1. Plaintiff's Complaint alleges numerous acts or omissions to act regarding his right to
22 practice his religious beliefs. Plaintiff names several different employees of the Washington
23 State Department of Corrections as defendants, each acting in his or her capacity as a state
24 employee. For instance, Plaintiff alleges, "In 2006, while at Cedar Creek Correctional Center,
25 Chaplain Garringer, who is currently the Religious Program Manager, and Chaplain Houston
26 denied me the right to order my religious dietary statutes." Complaint at 4.

1 2. On April 4, 2008, the court directed service of the Complaint, and the Washington
2 State Attorney General's office has since appeared and answered the Complaint on behalf of all
3 named defendants, except for Chaplain Houston. The Answer states Chaplain Houston is no
4 longer an employee of the Department of Corrections and he had not been properly served.
5

6 3. Plaintiff states he has been unable to obtain the current address for Chaplain Houston
7 to enable the U.S. Marshal to serve him with a copy of the Complaint along with a summons.
8 Plaintiff further argues defendants have denied his discovery requests seeking this information,
9 along with other information regarding Chaplain Houston.

10 4. Defendants argue in response to the motion to compel that Chaplain Houston has not
11 been employed at the Department of Corrections since March 13, 2006, and state law, protecting
12 private information, prevents Defendants from disclosing a past employee's personal information
13 without court order.
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15 5. The undersigned acknowledges the state or any government's interest in protected
16 private information, particularly in the situation where an inmate is requesting a Department of
17 Correction's employee's personal information. However, this interest must be balanced against
18 the need to protect a prisoner's right to come to the court to seek redress when he or she has been
19 allegedly denied a constitutional right, such as the right to practice his or her religion.
20

21 It appears Chaplain Houston was an employee of the Department of Corrections during
22 the relevant time framed by Plaintiff's Complaint. It further appears Chaplain Garringer was
23 involved in the same incident as Chaplain Houston. Why the state represent Chaplain Garringer,
24 but does not represent Chaplain Houston, even though he is no longer employed by the
25 Department of Corrections is unclear.
26

1 6. Unless the state would like to appear on behalf of Chaplain Houston, Plaintiff is
2 entitled to have his Complaint properly served on this defendant. Plaintiff is thus entitled to
3 obtain the last known address for Chaplain Houston, so he may complete and submit the
4 necessary U.S. Marshal's form for service on this defendant.
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6 7. Plaintiff's motion further argues Defendants have "refused to disclose E-mails and
7 other documents requested by Plaintiff in his Motion for Production of Documents." Plaintiff's
8 request is vague. The court is unable to discern what information Plaintiff is seeking or what
9 information Defendants have not supplied from Plaintiff's pleadings. Defendants elaborate in
10 their response, and it appears their objections, based on relevancy, are warranted.
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12 8. In sum, Plaintiff's motion to compel Defendants to disclose to him the last known
13 address for Chaplain Houston is **GRANTED**, unless the State Attorney General's office appears
14 on his behalf by **no later than April 10, 2009**. Plaintiff's request for sanctions is DENIED.
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16 DATED this 19th day of March, 2009.

17 /s/ J. Richard Creatura
18 J. Richard Creatura
19 U.S. Magistrate Judge
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